

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**ROBERT D. MABE, INC., d/b/a :
Ashville Apothecary and
Circleville Apothecary, et al., :**

Plaintiffs : CIVIL ACTION NO. 3:17-1102

v. : (JUDGE MANNION)

**OPTUM RX, Successor by :
Merger to Catamaran Corp., :**

**Defendant :
:**

ORDER

In accordance with the memorandum issued this same day, **IT
IS HEREBY ORDERED THAT:**

(1) The non-arbitrable plaintiffs' motion to compel discovery **(Doc. 97)** is **DENIED**.

(2) The court rules on the defendant's discovery dispute request **(Doc. 186)** as follows:

(a) Plaintiffs are to identify for defendant each of the PBMs with which they contracted during the relevant time, whether the contracts with the identified PBMs contain confidentiality clauses and, if they do, whether those contracts contain a mechanism by which to

request the PBMs' consent to disclosure of the information.

(b) To the extent that the contracts with other PBMs contain confidentiality clauses and do not provide a mechanism by which to request the PBMs' consent to disclosure of the information, the confidential information need not be provided for the same reasons applicable to defendant.

(c) To the extent that the contracts do not contain confidentiality clauses, the non-confidential information is to be provided to defendant.

(d) To the extent that the contracts contain confidentiality clauses, but also contain a mechanism by which plaintiffs can request the PBMs' consent to disclosure of the information, plaintiffs are to seek such consent and provide defendant with the appropriate response.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: July 28, 2020

17-1102-01